P 24

G. R. S. IX-5]

Previous references.

~~191~~ 1897.

(Jan. C.)

File No. 127-9

Serial Nos. 1—8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—8

On ~~Part~~ B for January 1901.

SUBJECT.

Dispute regarding a building-site in the Bowringpet Taluq.

W D 88—GPB—50,000—24-7-15

Precis of correspondence in respect of a building site in the Bowringpet municipality

---

No 1 in the file

on the 10th August 1897, one Kalala Munimunkatasamiah presented a petition to the Amildar of Bowringpet stating that in 1880 he got a building site to the west of the Kolar Railway feeder road in the town and was living in the house built by himself a portion thereof, that he permitted one Seshachella Mudaliar to build a house of 4 ankanams on his site for the temporary use of his son-in-law, Arunachella Mudaliar, that the said Seshachella Mudaliar, taking advantage of this concession, had dug up foundation & commenced to build it

house encroaching upon his land and praying for the issue of an order to Circle Officer Mudaliar to stop work till the ownership of the land in question was decided.

2. On enquiry the complainant deposed that ~~on~~ there was an order dy 18·1-80 to the effect that the land measuring 40 yards East to West and 24 yards North to South was vested in him & that it should be staked whom he wanted produce as surety for constructing a house thereon, that the said order was torn to pieces & that a copy of it might be had in the Taluk Kutchery. He further stated that the site in question was given to him free of valuation and Commission ~~taxes of his holding~~ when he had taken up the arrack contract, that he had got an extract of the order obtained from Mr. Rajamundalia (Amildar) stating that the site belonged to him & that it was not

mentioned in the above
order that the Rate had been
given to him for having taken
up the contract.

3. Sch(he)lla Mudaliar in
support of his claim to the
land in dispute produced
copies of the following
s(3) (1) copy of Pro. of the Md Board
s(4) held in 1884-85 and
(2) some other papers of the Md Board
(4) At the time of the meeting the
s(4) question of the ownership of
the Rate in question and that
of another Rate was discussed
without reference to the
complainant and it was
resolved that the Rates
belonged to Govt and that
the persons in possession
~~thereof~~ thereof, viz one
Annachella Mudaliar
& Schachella Mudaliar
& another respectively should
on certain valuation fixed
by the Board, pay the

the sites would be disposed of
in public auction.

5 Seshachella Mudaliar &
another Ramaswami agreed
to pay their ~~shares~~ portions, viz —
Rs 32-1-10 & Rs 11-9-0 rs.
respectively. As to Site No II
Seshachella Mudaliar said
that as Arunachella Mudaliar,
his son-in-law had given
him Rs 40 to build a house
thereon, he did so and that as
he did not require the site,
the same with the building
thereon might be sold in
public auction.

6 Thereupon the Board
resolved that a notice be
issued to Arunachella
Mudaliar requiring him to
pay Rs 3[illegible]-8-8, the value of
Site No II within one month
and in default to sell the
site with the building thereon
in public auction.

7. A sum of Rs 32-1-10 seems
to have been paid by

by Sri Ramanujam Avaroo Pandy
kar (Sethachellam Pandaram) on
account of site No I but
no steps seem to have
been taken since 1884-85
in the matter of recovering
the amount from Arumuga Mu-
daliar on account of
site No. II, nor is it
clear from the records
why no effect was given
to the resolution of the
Board.

sl No 24

(8) In para 3 of his petition
of 17-3-98, Kalal Muni-
Venkatasawmi states that
he was asked by the Amildar
to pay the value of site No II &
that he refused to pay in-
on the ground that the
site was in his holding

(11) In support of his claim to the
site now under discussion

Sahachella Mudaliar

has, in addition to
the production of copies
of extract documents
as already mentioned, also
proved before the Assistant
~~as follows~~ that as per copy
of order of 28-10-30, the site
No I belongs to him & that
therefore the amount paid
by him by mistake towards
the value of the site No I may
be given credit towards the
value of ~~the house~~ site No II,
that he would pay the balance
viz (33-8-8 — 32-1-10). It will
be seen from para 5 supra
that Sahachella Mudaliar
had admitted that he had
nothing to do with this site
and that the same ~~may~~ might be
sold in auction; while such
is the case, it is not clear
how he has now come forward
to pay for site No II and
claim ~~it~~ it for himself.

B 16 14 9 87

(10) The Deputy Commissioner in submitting the file with a sketch for the orders of the Commr recommended the scarci ed portion marked in red ink in the sketch to Serhal bella mor. recovering from him its value and solicited orders as to the site in the enjoyment of municipality.

Orde 10158 of 21-9-87

(11) The Deputy Commr directed that the site under dispute should be inspected by such of the available members as stood on the Municipal Board in 1884-85 and the question of the ownership decided, that the party concerned had forfeited his claim to the land in as much as he had failed to pay up the value thereof as per resolution of the Mel Board held in 1884-85 & that the extent of the site in the enjoyment of S Medaliard & Mr Lucha Lazarus mi re-hectares should be measured in con-sultation with the municipality

Commissioners and ~~assessor~~ fixed
valued with due regard to
the value of buildings as in the Bandy plot mfs
the value of in 1880 and in 1897

12. The Subject was placed before S.C. no 14
the Board at its ~~the~~ meeting
held on 25-2-98 and the
members of whom there were
3 ~~who stood~~ old as members in
~~1880—85~~, decided that ~~the~~
~~the~~ the marginally noted extent
of land should be considered
as belonging to the respective
claimants, the wall putup
by M. Venkatasawmi being
taken as the boundary between
the two (the east of it belonging to
M. Venkatasawmi & the west-
to S. Mudaliar). The reason
assigned for this difference
in valuation was stated to
be the situation of the latter
in a good locality or market
centre. ~~and~~ It was also ordered that they should
pay the amounts noted ~~on~~
against each and that the

	Survey	Rs a.p
S Mudaliar	410 at 220	51-4-0
M. Venkatasawmy	802 at 440	200-8-0

Sum

Sum of Rs 32.1.10 paid by Seshachalam Mudaliar's Son on 26.11.91 ought to be given credit towards the Cost of Thus and the balance recovered from the party.

※ (Rs 19.2.2)

order No 453 Dt 17.3.98
Also endorsement No 41 dt 30 3 98 (dt 24)
Issue by the Tahsildar to M.V Saverimuthu

(13) The Dy Comr sanctioned the Board's resolution and stated that notice should be issued to Munivenkatasamy to pay the value of his portion (Rs 200-8-0) at the moderate rate of 4as within one month, otherwise the land should be disposed of by public auction as per resolution of the Board. Further he remarked that this order should not prevent Munivenkatasamiah from having recourse to the civil court to establish his claim to the site in question against Seshachella Mudaliar.

(14) Against this order of the Dy Comr Kalal Munivenkatasamiah has preferred an appeal to Govt.

508
L.Z 303-96
Dt 15.7.98

(15) This appeal petition was referred to the Dy Comr for a report with records with

Special reference to the Petn's allegations noted below,

(1) that the site in question was granted to him so far back as 1880 for the improvement of the town,

(2) that he was paying ground-rent thereon both before and after the establishment of a municipality in the town.

and if so, how payment can be demanded on a/c of the site.

16. The Dy Comr in submitting the papers states, as follows:- "It has to be observed that the Petr seems to have done hard for a site so far back as 1880 to build an arrack shop, that It was referred to the Shekdar for particulars (vide extract from the register marked "A" on the file). He has not produced any order sanctioning

Letter No 3469/862 dt 17.3.99
Paras 12 & 13.

Sanctioning the grant of the Site to him nor any record available in the Taluq. the Register for the year being destroyed. He seems to have entered thereon on the Strength of the Darkhast. As he produced no proof in this respect and himself admitted that no value was paid by him for the Site in question, the value thereof was ordered to be recovered.*

" As regards his plea that he has been paying Mushalarfa and municipal tax on the building, it has to be stated that at the time of charging Mushalarfa or municipal tax on a building, the question of ownership of the land does not arise, the tax being imposed for the occupation of

of the building. The mere fact of his paying municipal tax does not create any right over the site in question."

(7) Further from the Amildar's report it is evident that the Petr is in possession of the site since 1880 and that he has been paying the house-tax The Amildar says that it is not clear from what year he has been paying the house tax but from the Shanbhogs ages it is observed that since Dorobi he was paying Re 1 p.a. upto Nandana in which year the tax was revised & that he has been paying Rs 2 p.a from that year.

report. No 523 dy 2.12.98.

SHK
22/4/99.

It is recognized that the site has been in the enjoyment of Petr from 1880.

In 1884-85 the Municipality resolved that this site along

with certain other sites below to flood: and that the value thereof should be recovered from the occupiers

No effect having been given to this Resolution and the question coming up again in 1897 the D.C. Court ordered that the valuation of the sites should be made by the Municipal Commrs and they decided that Petr should pay Rs 200/- for his site.

The D.C. Court confirmed this decision of the Commrs and issued orders accordingly. The present Petn is against this order. BR. 28/4/99

Recd for Secy 29.10.00 on 1573 Subd to Md. C.C. 3-11-00

Rs 76 2n
3-11-00

The precis is verified & this to be placed on record & will be read in my hearing.

denied that the
Sch- has been in the
possession of the Petr
since 1880. A house
built upon and
the Mohammedan has
been levied on the house
standing on the site -
The Dy Comrs suggestion
that when facts do not
are not incompatible
with the right of the
Municipality to the
land is not sound.
The possession of the
land establishes a
presumption of right
of ownership in the
man holding it and
the onus of disproving
it lies on those that
assert a contrary
proposition - There is
no proof whatever
that the Board that the
Petr does not hold
the land legally
and under the
circs the claim set
up by the municipality
to levy the valuation
of it from the Petr must
be rejected & the order
of the Dy Comr reversed.

Costs
to be ordered by
the Dy Comr

8.1.01

17/1/1 Chelmsford
14 Sch Ord 5/1. 191

1898 L 69

No. 3058

Name of Petitioner Kalpa Muni Venkataswamy of Bowringpet and residing at

Village Bowringpet

Taluk Bowringpet

District Kolar

Date of Arzi 23-6-98

Date of Receipt 25-6-98

Date of Disposal

No. of Enclosure 21

Sundry
1. Memo
2. Stamp Supplement (No 24)
3. Appeal against the order dismissing the petition claiming the property attached in execution of decree in O.S. No 25 of 1890 on the file of the Munsiff's Court, Bowringpet and for the property claimed by him in the said suit to be released from attachment and sale in execution of the said decree.
4. Petn praying that he may be allowed to argue his case by a pleader

5-7-98

J G L B Brandt

4/9/98.

Rec'd 4/7 L B B

ABSTRACT

Appeals against the order of the Deputy Commissioner Kolar District No 453 of 17-3-98 communicated to him by Endorsement No. 418 [illegible] signed by the Amildar of Bowringpet

The Endorsement is as follows -

In a recent meeting of the Panchayat and members of Bowringpet it was resolved that after some correspondence about a complaint stating that one Subbaraya Moodeliar had attempted to [illegible] Subbaraya valued at Rs [illegible] was decided in the Munsiff's Court in 1884-85 that the said property was that it's value then was Rs [illegible]

that as regards your allegation that the
site which you were occupying was granted
you gratis you should pay Rs. 200-8-0
@ Annas 4 per Sqr. yd. for the 802 Sqr. yds.
of land part site situated by the side of the
railway feeder road since you did not
produce any proof in support of your
allegation and since you yourself had
admitted that you had not paid any value
for it and that if you failed to pay this
amount the site with the building on
it should be sold by public auction.
The above resolution having come to the
knowledge of the Dy. Commr. he has decided
in his Kachcheri Memorandum No 453 of
17-3-98 to inform you that though the site
is worth more than the price now fixed yet he
has accepted the favorable rate fixed by
the members - that accordingly the sum of
Rs. 206-8-0 should be recovered from you
within one month - that if you failed
to pay it up the site should be sold by auction
and that if you have proper ~~proof~~ proofs
to show that the site on which Seshachela
Moodliar is building belongs to you this
Kachcheri does not in any way interfere
with your proceeding against him in due
course of law -

On 30-4-98 the petitioner submitted an
appeal to the Dy. Commr. against the above
order urging - that on his application the site
granted about 1880 - that since then
he had been in possession and enjoyment -

2nd had enclosed

⊛
d/ 16-7-96
issued in pursuance
of the Dy. Comrs memo
issued after his inspection
of the town on 16-6-96

herein the petitioner claim by the
Zalaka authorities in 1876 directing him
to complete the building which he had
commenced to build in front of his house
on the site under dispute - that the
authorities would not have allowed him
to enter and build upon the site without
permission - that post. fenced the site in
his application with a view to improve the
town which was in a neglected condition -
that he had been in possession of the site
for the last 19 years - that the order directing
him to pay the price of the site was in ac-
-cordance with the proceedings of the Zalaka
authorities who made them with a view to
help Lesha Chela Moodliar who was
a member of the Municipality - that
the town was improving year by year -
that it was unjust to fix the value
of the site at the present market rate
and praying that on reconsideration
the above order might be cancelled -

Whereupon the Ag. Dy. Comr. Mr.
K. Ramachendra Row informed the petr.
by Cmot - No. 856 of 30-4-98 to the effect
that he could not interfere with the
order passed by the former Dy - Comr.

He then in support of petition of post
urges :-

(1) the grant of the site under dispute then
was unconditional.
(2) His right and title to it was given -

disputed by the authorities till now.

(3) He was paying the Kandayam of the site till the Establishment of the Municipality in Bowringpet and has been paying the municipal tax since the introduction of the Municipality. He also holds the patta of the site.

(4) The site was granted to him with a view to improve the town which was insignificant at the time.

(5) He has spent considerable amount on the land to clear it of its jungle and improve and build upon it.

(6) The Municipality has no right to question his act of grant - nor can it interfere with the rights acquired by the citizen.

(7) Neither the ~~Commissioner~~ President nor the Municipal Courts have understood their position etc. They have admitted that the petr. is the holder of the site under dispute.

(8) The proceedings of the Municipality is invalid as no notice was given to the petr of the same. Nor was he heard.

(9) The order of the ~~Commissioner~~ President is illegal - and the order of the Dy. Comr. which was made without any enquiry is unjust.

(10) He is not bound to pay for the land which was acquired in 1880. If the Municipality has any claim on him it is barred by Law of Limitation.

(11) The Municipality has no right to adopt coercive measures against him for the recovery of the above amount from him.

12. The burden of proof lies with the Municipality to prove that he is a ratepayer on the lands

Petr prays:-

(1) That on perusal of the records herewith the order of the Dy. Comr. may be set aside.

(2) That Exch. order may be stayed to stay the sale of the land &c. pending disposal of this appeal. &

(3) That as the matter in dispute involves points of law and mixed question of law and fact he may be permitted to bring with him a Pleader to argue the case

Enclosures

(1) Petn. of 30-4-98 addressed to Dy. Comr. with Exct. thereon

(2) Exct. No. 41 of 30-3-98

(3) Notice of 16-7-96

(4) Copy of the Order of the Municipality of 25-2-98

(5) Do of Subhachala Mudali praying to set aside Sale of 14-8-97

(6) notice issued to petr. by the Auditor of 20-8-97 prohibiting ~~him from encroaching~~

(7) Do Do to the Sale of 27-8-97

(8) Petn of 17-12-97 addressed to the Sale with endorsement thereon

9. Do of 17-5-98 do with Exct

10 Do of 2-6-98 with Exct

11: Petn. of 11-4-98 - addressed to the Collector with Enclosures

12 - Copy of application for the site presented in 1880 - (note - it is torn & not legible)

13, 14, 15, 16, 17, 18, 19, 20, 21 receipts for payment of Kandayan Lyalla petn:

HK
29/6/98

No 808 Encls: one
L7-303-96 petition and
MYSORE DEWAN'S OFFICE 21 (twenty one) enclosures
LOCAL BOARDS BRANCH
GL154 Encl: 21 (2)

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition
Registered No. 3058/269 dated 23rd June 1898
received at the Dewan's Office from Kalal
Munu Venkatasawmy of
Bowringpett now residing at
Ooregaum appealing against the
order of the Dy Com Kolar Dist
in respect of a building site in
the Municipality of Bowringpett.

is forwarded, together with its 21 (Twenty-one) enclosures for an early report with records, ~~especially~~ with reference to appellant's allegation that the site in question was granted to him conditionally so far back as 1880 for the improvement of the town, that he was paying ground rent thereon both before and after the establishment of a Municipality in the town &c &c, how payment can be demanded now on account of the site

By order,

for Secretary.

BANGALORE,
15/7/1898

Pol. 13/7/98

cmg 13

1898

No 760

Name of Petitioner Munivenkatasamiah

Village Oorgaum

Taluk Bowringpet

District Kolar

Date of Arzi 1. 10. 98

Date of Receipt 3. 10 98

Date of Disposal

No. of Enclosure Nil.

ABSTRACT

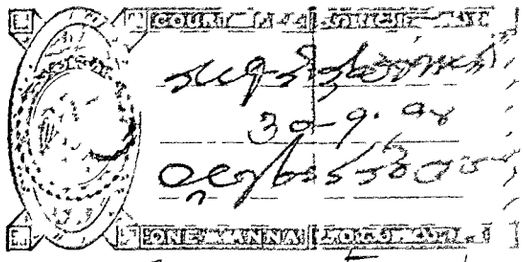
States that the petitioner appealed against an order of the Deputy Commissioner of the Kolar District stating that he should pay the value of a certain compound he is in possession of for the last 16 or 17 years — on the 18th June 98, that he is not made known of the date of hearing of the said appeal and that if he is made known of that date he would produce the orders he has received from the Deputy Commissioner Prays that he would be made known of the date.

L. S. G.

8. 10. 98.

760

760 R
3-10-58

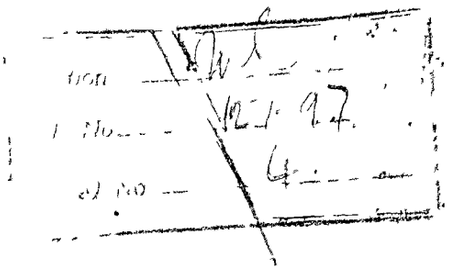


One anna stamp affixed only

L1487

Gen. 31.]

189 7972 20.



From The Deputy Commissioner Kolar District

To The Secretary to the Government of Mysore

General and Revenue Depart

Dated 17th March 1899

Despatched 18th.

Received

General No. 3469

No. 86.

Enclosure No. Vernacular papers & office petition &c

Submitting a full report on a building site in the Municipality of Bowringpet

Do the amt 13169 9/4/5/99

L. F 303-98

L 7

V

H V R for precis

precis hereto

Submitted, with precis of vernacular papers prepared by H. V. R. with an explan the missing papers cause

Deputy Commissioner's Office Kolar.

Dated 4th March 1899

To,

The Secretary to the Government
of Mysore
Revenue and General Departments.

Sir,

With reference to your official memorandum No. 808 L.7.303-96 dated 15th July 1898 forwarding for report petition from Munivenkatasamia appealing against the order of this office regarding a building-site in the Municipality of Bowringpet, I have the honor to state as follows:-

2. In July 1897 the petitioner complained that about 17 or 20 years ago.

ago, he had obtained a building site on the Kolar Road in Bowringpet and & raised a building on a portion thereof; that on the representation of Seshachela Modaliar, he allowed four Arkanaans to be built upon it temporarily, but the latter had usurped it and encroached upon the site near the well sunk by the petitioner.

3. On the other hand Seshachela Modaliar Complained that Munivenkatasamiah was Commencing building on his "Nakoar" land.

4. Munivenkatasamiah produced Copy of extract of Darkhast made for the site in 1880.

5. Seshachala Modaliar produced Copy of the Resolution of the Municipality passed in 1894/95 and other papers in Support of his claim.

6. On going through the resolution, it was found that the Board had decided in 1894/95 that the sites in dispute and other sites were Government lands as there was nothing to show that these lands were given to others; but that as the parties were in possession of the sites the value thereof should be recovered from them.

7. The Amildar submitted the above papers and reported that the document produced by the petitioner Munivarkatasamiah in support of the allegation that the whole of the disputed site belonged to him was a mere a copy of Darkhast for the site bearing no final order and solicited orders in the matter of levying valuation on the sites in question-

8 The Deputy Commissioner observed that it was not clear why no steps were taken to recover the

value

value as already decided by the Board in 1894/95, but that as the value of lands in Bowringpet was rising, it was advisable to examine the site in presence of the available members that stood on the Board 1894, and to have the question of valuation decided by the Board.

9. The Board decided in favor of Seshachellam Modiliar and passed Resolution dated 25/2/98 that the site in dispute belonged to Sheshachallam Modiliar and that he should pay Government Rs 19/- and odd. exclusive of Rs 32-1-10. which has already been paid by him - that the extent of site in the enjoyment of the petitioners Munni-Venkatasamiah was 802 Square yards valued Rs 200-8-10 On the Submission of the above Resolution the Deputy Commissioner Mr Rangasamiengar ordered that the site in dispute had been

given

given to Sheshachalam Mudaliar the value thereof should be recovered from him, And that this should not prevent Munivenkatasamiah from having recourse to the civil Court, but that as Munivenkatasamiah failed to prove that the land in his enjoyment was given him free, the value thereof as decided by the Board should be recovered from him.

11 Against this order he has appealed to Government

12 It has to be observed that the petitioner seems to have darkhasto for a site so far back as 1880 to build an arrack shop. It was referred to the Shekdar for particulars (vide extract from the register marked "A" on the file) He has not produced any order sanctioning the grant of the site to him nor any record available

available in the Taluq, the Register for the year being reported to have been destroyed. He seems to have entered upon the Site and raised a building thereon on the strength of the Darkhast. As he produced no proof in this respect and himself admitted that no value was paid by him for the Site in question, the value thereof was ordered to be recovered from him.

13. As regards his plea that he has been paying Mohatherfa and Municipal Tax on the building, it has to be stated that at the time of charging Mohatherfa or Municipal tax on a building the question of ownership of the land does not arise, the tax being imposed for the occupation of the building. The mere fact of his paying Municipal tax does not create any right over the Site in question.

No

14 The Vernacular papers in connection with the case and the appeal petition and its accompaniments are herewith submitted.—

I have the honor to be,
Sir,
your most obedient Servant.

Christian Adam

for Deputy Commissioner
Kolar District

Translation of Kolar Deputy Commissioner's order (No 453 dt 17.3.98) to the Bowringpet Bundle as contained in the "To" Register extract.

"As you report that the records obtained in the Municipality show that the site (which Kalal Munivenkatasawmi contends as belonging to him) has been granted to Sekaleela Mudaliar the cost of the same as fixed by the Board may be recovered from him, the amount already paid viz Rs. 32-1-10, being deducted therefrom. His order will not prevent Munivenkatasawmi from establishing his claim to the site through the proper channel & the settlement may be granted to him in these terms. Munivenkatasawmi has not produced any record as to how he came in possession of the site. He has given an Ikrarnama that he has not paid any price for it. As the value of site in Bowringpet has since risen

as the site in the enjoyment of Mr. Venkatasawmi is said to be situated close to Kadapa Railway feeder Road, a higher price should have been fixed, but taking into consideration the recommendation of the Municipal Board the price fixed by them viz Rs 200-8-0 must be recovered from Mr. Venkatasawmi within a month and if he fails to pay the amount steps must be taken to sell the site in public auction."

CMO
2/6/99.

tion— Gul.
No 127-97.
Dial No— 5

From

The Secy. to the Govt. of Mysore,
Genl. & Rev. Depts.

To The Deputy Commissioner &
and President of the Munic-
ipalities in the Kolar Dt.

Dated 18-5-99
Despatched
Received

General No. 13169 R L 1880
L F No. 303-96

Enclosure No.

His letter No. 3469/862 dy 17th
March 1899 submitting a
report on the petition presented
by Kalal Munivenkatasawmy
in regard to a building site
in the Bowringpet town.

— — —

As the Deputy Commissioners
final order in Darkast
No 453 dy 17th March 1899
Continued in the file-Sub-
mitted with the above.

has been mislaid in the office
has the honor to request that
he will be so good as to
cause an extract of that
order to be prepared from the
Deputy Commissioners Ex"
Register and the Boarmaster
Awards "From" Register
and Submitted to this
office at a very early date.

(x) Reed (21917)
1699

By Order.

16/5/99

Secretary.

Dr. 16/5/99

L 2
31.5.85

Gen. 31-7

OFFICE OF THE 1899
11031
31 99.

L1917

From. The Dy Commissioner
Kollar District

To The Secretary to the Government of Mysore.
Revenue & General Dept.

Dated 27th May 1899
Despatched 30th
Received
General No. 4691
No. 1027
Enclosure No. Two

In reply please quote this docket No. 1.3169/303-96 dated 18th Instant.

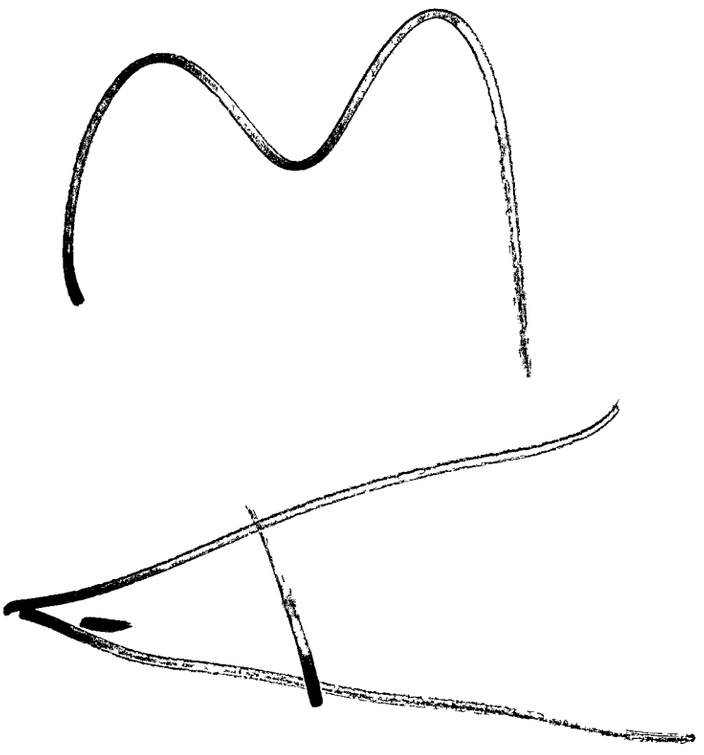
Has the honor to forward herewith the extracts of Kanarese order No. 453 dated 17th March 1898, prepared from the Office Register and also from the Honorary Amildars Register as called for in the 2nd.

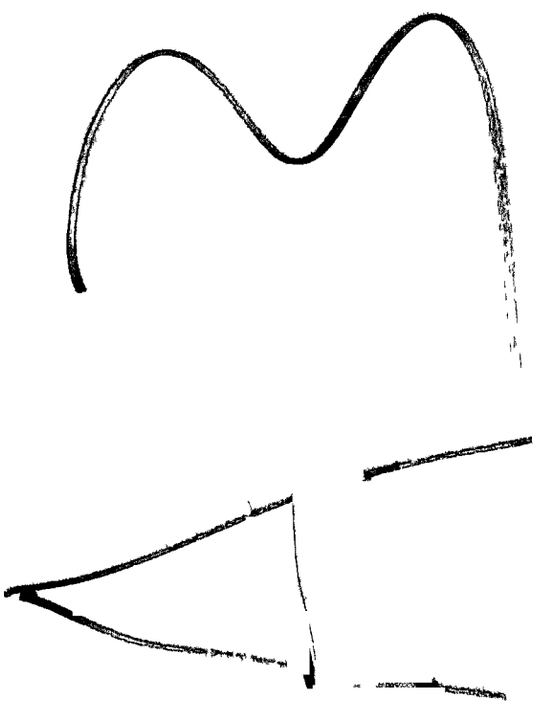
Dy Commissioner

Dy Commissioner's Office
Kollar
1/6/99

Submitted & Commended for Orders
[illegible]

4 53	2 8 3	58.





act the Bowringpet [illegible]

[illegible] 453 [illegible]

17-3-98

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19-5-99

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Read -

Petition of appeal

Item -- 127 - 47
Serial No -- 7.

nº 3058 dated the $\frac{23^{rd}}{25^{th}}$ June 1898. presented by one Kalal Munivenkatasamy of Bowringpet now residing in the village of Doregam against the order of the Dy: Comr. Kolar Distt in ~~respect of a building site~~ directing that the petitioner should pay to the Bowringpet Mcpl the valuation of a certain building site in the possession of the petitioner in that ~~Bowringpet~~ Municipality -

2. Letter nº $\frac{3269}{862}$ dated the 17th March 1899 from the Dy: Comr. Kolar District reporting on the above petn

with Records of the case

(3) Docket no $\frac{4671}{1027}$ of 27/5/99 from the DC Kolar

Sec - 7

Order no 9540 *

C.A. 303-96

R.L 1263

* 25/6/01.

In re file of.

Ver: papers and a copy of indorsement granted to Petitioner.

The order of the

Dy: Com^r cannot be upheld.

It is not denied that the

site in question has been

in the possession of the Pet^r

since 1880. It has been built

upon, and the municipal

house tax has been levied on

the house standing on the site.

The Dy: Commissioner's suggestion

that these facts are not

incompatible with the right

of the municipality to the

land is not sound. The possession

of the land establishes a

presumption of ownership in

favour of the man holding it,

and the onus of ~~proving~~ disproving

[illegible] lies on those that assert

a contrary proposition there is no proof whatever to find that the petitioner does not hold the land legally and under the circumstances the claim set up by the Mcp to levy the valuation of it from the petitioner must be rejected, and the order of the Dy: Comm: reversed

Jrs
22/1/07.

for Secy.
Govt.

To

The Dy: Comr: & Presdt: of
Mcis Kolar Dist: with
copy of endorsement granted
to the petitioner in this case.
Rp 21.1.07 + also with V. Papers
jagan received with his No 3469
862
9/7/3/99

Rcd 28/1.

No. 7541

L7-303-96

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT,

The 30/1/07.

ENDORSEMENT GRANTED TO Kalal Mewr Venkatasamy of Bowringpet, now residing in the village of Doneyam

Kolar Gold Fields

in reply to his Petition Registered No. 3058 dated the 23rd June 1898, appealing against the order of the Dy Comr Kolar Distt. No. 453 dt 17th March 1898 in respect of a building site in the possession of the petitioner in the Bowringpet Mcpy, directing that the petitioner should pay the Valuation of the said site viz Rs. 200/- to the Mcpy

~~Petitioner is informed that~~

Petitioner is informed that, after a careful perusal of the records of the case, Govt are pleased to reject the claim set up by the Bowringpet Mcpy to levy the valuation of the site in question from the petitioner, and to reverse the order of the Dy Comr, appealed against.

By Order,

22/1/07.

Section

[illegible]